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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To enhance coverage and oversight of occupational safety and health standards in correctional facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CLEAVER introduced the following bill; which was referred to the Committee on _____

A BILL

To enhance coverage and oversight of occupational safety and health standards in correctional facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Correctional Facilities
5 Occupational Safety and Health Act of 2023”.

1 **SEC. 2. COVERAGE OF INCARCERATED WORKERS UNDER**
2 **THE OCCUPATIONAL SAFETY AND HEALTH**
3 **ACT OF 1970.**

4 (a) DEFINITION OF CORRECTIONAL FACILITY.—Sec-
5 tion 3 of the Occupational Safety and Health Act of 1970
6 (29 U.S.C. 652) is amended by adding at the end the fol-
7 lowing:

8 “(15) The term ‘correctional facility’ has the
9 meaning given the term in section 901(a) Omnibus
10 Crime Control and Safe Streets Act of 1968 (34
11 U.S.C. 10251(a)).”.

12 (b) STATE PLANS.—Section 18 of the Occupational
13 Safety and Health Act of 1970 (29 U.S.C. 667) is amend-
14 ed—

15 (1) in subsection (c)—

16 (A) in paragraph (6), by striking “political
17 subdivisions,” and inserting “political subdivi-
18 sions and to all incarcerated workers,”; and

19 (B) in paragraph (7)—

20 (i) by striking “(7) requires” and in-
21 serting “(7)(A) requires”; and

22 (ii) by adding at the end the fol-
23 lowing:

24 “(B) requires the State to ensure that any pub-
25 lic agency of the State (or of a political subdivision
26 of the State) operating a correctional facility or con-

1 tracting with a private entity to operate such a facil-
2 ity, shall, not later than 2 years after the date of en-
3 actment of the Correctional Facilities Occupational
4 Safety and Health Act of 2023, and every year
5 thereafter, submit to the Attorney General and Con-
6 gress a report on—

7 “(i) the workplace safety and health condi-
8 tions at each such facility, and

9 “(ii) any potential noncompliance of each
10 such facility with the safety and health stand-
11 ards under the State plan, and”; and

12 (2) by adding at the end the following:

13 “(i) DEFINITION OF INCARCERATED WORKER.—In
14 this section, the term ‘incarcerated worker’ means an indi-
15 vidual, incarcerated or detained in a correctional facility
16 operated by a public agency of a State or political subdivi-
17 sion of a State (or by a private entity through a contract
18 with a State or political subdivision of a State), who per-
19 forms work offered or required by or through the correc-
20 tional facility, including work associated with prison work
21 programs, work release programs, State prison industries,
22 public works programs, restitution centers, correctional fa-
23 cility operations and maintenance, and private entities.”.

1 (c) FEDERAL PRISONS.—Section 19 of the Occupa-
2 tional Safety and Health Act of 1970 (29 U.S.C. 668)
3 is amended by adding at the end the following:

4 “(e) BUREAU OF PRISONS.—

5 “(1) IN GENERAL.—The Director of the Bureau
6 of Prisons shall—

7 “(A) ensure that the occupational safety
8 and health program established and maintained
9 by the Director under subsection (a) shall apply
10 with respect to incarcerated workers in the
11 same manner as the program applies to employ-
12 ees of the Bureau of Prisons; and

13 “(B) agree to submit, not later than 2
14 years after the date of enactment of the Correc-
15 tional Facilities Occupational Safety and
16 Health Act of 2023, and every year thereafter,
17 to the Attorney General and Congress, a report
18 on—

19 “(i) the workplace safety and health
20 conditions at any correctional facility oper-
21 ated by the Bureau of Prisons or a private
22 entity contracting with Bureau of Prisons;

23 “(ii) any injury or death of any em-
24 ployee or incarcerated worker while per-

1 forming labor with respect to such facility;
2 and
3 “(iii) any potential noncompliance of
4 any such facility of such occupational safe-
5 ty and health program.

6 “(2) DEFINITION OF INCARCERATED WORK-
7 ER.—In this section, the term ‘incarcerated worker’
8 means an individual, incarcerated or detained in a
9 correctional facility operated by the Bureau of Pris-
10 ons (or by a private entity through a contract with
11 the Bureau of Prisons), who performs work offered
12 or required by or through the correctional facility,
13 including work associated with prison work pro-
14 grams, work release programs, the UNICOR pro-
15 gram, public works programs, restitution centers,
16 correctional facility operations and maintenance, and
17 private entities.”.

18 **SEC. 3. INCENTIVES FOR STATES TO ENACT PROTECTIONS**
19 **FOR INCARCERATED WORKERS.**

20 Title I of the Omnibus Crime Control and Safe
21 Streets Act of 1968 (34 U.S.C. 10101 et seq.) is amend-
22 ed—

23 (1) in section 501 (34 U.S.C. 10152), by add-
24 ing at the end the following:

1 “(i) ANNUAL REPORT ON WORKPLACE SAFETY AND
2 HEALTH CONDITIONS.—Not later than 2 years after the
3 date of enactment of the Correctional Facilities Occupa-
4 tional Safety and Health Act of 2023 and annually there-
5 after, any State or unit of local government that receives
6 a grant under this section and operates a correctional fa-
7 cility or contracts with a private entity to operate a correc-
8 tional facility shall submit to the Attorney General and
9 Congress a report on—

10 “(1) the workplace safety and health conditions
11 at each such correctional facility;

12 “(2) any injury or death of any employee or in-
13 carcerated worker while performing work with re-
14 spect to any such correctional facility; and

15 “(3) any potential noncompliance of any such
16 correctional facility with the occupational safety and
17 health standards that apply to the correctional facil-
18 ity.”;

19 (2) in section 502 (34 U.S.C. 10153)—

20 (A) by striking “(A) **In general**” and in-
21 serting “(a) **In general**”; and

22 (B) in subsection (a), by adding at the end
23 the following:

24 “(7) A certification, to be verified by the Attor-
25 ney General, in consultation with the Assistant Sec-

1 retary of Labor for Occupational Safety and Health,
2 that—

3 “(A) the State or unit of local govern-
4 ment—

5 “(i) has provided workplace safety
6 and health protections for incarcerated
7 workers in correctional facilities, either by
8 legislative or executive action, that are at
9 least as effective in providing safe and
10 healthful employment and places of em-
11 ployment for incarcerated workers as the
12 comprehensive occupational safety and
13 health programs established by States
14 under section 18 of the Occupational Safe-
15 ty and Health Act of 1970 (29 U.S.C.
16 667); or

17 “(ii) not later than the last day of the
18 fiscal year following the fiscal year to
19 which the application relates, will have pro-
20 vided the protections described in clause
21 (i), with the limitation that a certification
22 under this clause may only be submitted
23 one time; and

24 “(B) an appropriate State or local agency
25 monitors and enforces or will monitor or en-

1 force, as applicable, the safety and health pro-
2 tections described in subparagraph (A)(i).”;

3 (3) in section 506 (34 U.S.C. 10157), by add-
4 ing at the end the following:

5 “(c) Of the total amount made available to carry out
6 this subpart for a fiscal year, the Attorney General, in con-
7 sultation with the Assistant Secretary of Labor for Occu-
8 pational Safety and Health, shall reserve not less than
9 \$20,000,000 for use by States and units of local govern-
10 ment to establish and implement workplace safety and
11 health protections for incarcerated workers in correctional
12 facilities.”; and

13 (4) in section 901(a) (34 U.S.C. 10251(a))—

14 (A) in paragraph (27), by striking “and”
15 at the end;

16 (B) in paragraph (28), by striking the pe-
17 riod at the end and adding “; and”; and

18 (C) by inserting after paragraph (28) the
19 following:

20 “(29) the term ‘incarcerated worker’ means an
21 individual, incarcerated or detained in a correctional
22 facility operated by a State or a political subdivision
23 of a State (or by a private entity through a contract
24 with a State or political subdivision of a State), who
25 performs work offered or required by or through the

1 correctional facility, including work associated with
2 prison work programs, work release programs, State
3 prison industries, public works programs, restitution
4 centers, correctional facility operations and mainte-
5 nance, and private entities.”.

6 **SEC. 4. GRANTS TO ASSIST STATES IN COVERING INCAR-**
7 **CERATED WORKERS.**

8 (a) IN GENERAL.—The Secretary of Labor shall es-
9 tablish a grant program to award a grant to each State
10 that submits an application satisfying the requirements
11 under subsection (b) to assist the State in amending the
12 occupational safety and health laws of the State to cover
13 incarcerated workers and to enforce those laws as appro-
14 priate through inspections, investigations, citations, pen-
15 alties, and other enforcement mechanisms.

16 (b) APPLICATIONS.—A State seeking a grant under
17 this section shall submit an application to the Secretary
18 at such time, in such manner, and containing such infor-
19 mation as the Secretary may reasonably require.

20 (c) DEFINITION OF INCARCERATED WORKER.—In
21 this section, the term “incarcerated worker” has the
22 meaning given such term in section 18(i) of the Occupa-
23 tional Safety and Health Act of 1970 (29 U.S.C. 667(i)).

24 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section

- 1 \$20,000,000 for each of fiscal years 2024 through 2029,
- 2 to remain available until expended.